

January 4, 2019

Mike Kirst, President
California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Via email only (sbe@cde.ca.gov)

LCFF Equity Coalition Comments re:

- *Item 3: Adoption of Proposed Revisions to LCAP and Annual Update Template.*
- *Item 8: Approval of the 2019 Local Educational Agency Apportionment Rates for the California Assessment of Student Performance and Progress.*
- *Item 9: English Language Proficiency Assessments for California Criterion for Reclassification.*
- *Item 22: Update on the Development of California's System of Support for LEAs and Schools.*
- *Item 24: California's Accountability and Continuous Improvement System. Update on the Implementation of the California State Plan for ESSA.*

Dear President Kirst:

We represent the Technical Working Group of the LCFF Equity Coalition, a coalition of civil rights, advocacy, community, parent, student and other organizations who have worked diligently on passage and implementation of the Local Control Funding Formula (LCFF). LCFF creates an historic opportunity to focus resources on helping California's neediest students overcome the barriers they face in closing the achievement gap and graduating college and career ready. It also promises a new level of transparency and local engagement for parents, students, and community members in the design of their local schools. As you know, in an effort to give life to these objectives, we have commented jointly multiple times over the last four and a half years regarding the State Board of Education's LCFF regulatory proposals and accountability system items.

We offer the following comments and recommendations concerning Items 3, 8, 9, 22 and 24.

I. Item 3 – Adoption of Proposed Revisions to LCAP and Annual Update Template.

Item 24 - California's Accountability and Continuous Improvement System. Update on the Implementation of the California State Plan for ESSA.

We appreciate and thank staff for revising the LCAP template to require LEAs to list their schools identified for Comprehensive Support and Improvement (CSI) under ESSA. The Coalition has been asking for this transparency for some time. The LCAP should also require links to the CSI schools' plans which will now be the School Plan for Student Achievement (SPSA). We also recommend that schools identified for Targeted Support and Improvement (TSI) and Additional Targeted Support and Improvement (ATSI) be transparent in the LCAP. This transparency will help parents and community stakeholders know how their schools are performing under federal law and understand how that integrates with state accountability standards. Overall, ideally, this will increase confidence in the state's accountability system.

Items 3 and 24 overlap in that they address ESSA compliance for the state's neediest students. With the individual schools' SPSAs now also serving as the LEAs' comprehensive support and improvement plans for CSI schools, the state is required to approve, monitor and periodically review them. Sec. 1111(d)(1)(B)(v) and (vi). CDE proposes that the state will meet this requirement through the prompts in the revised LCAP template. CDE's proposal is for COEs to approve this section of the LCAP using criteria that is under development. Thus, the State appears to have delegated this responsibility to COEs as part of COEs LCAP approval process.

We agree with the effort to align ESSA requirements with the one-LCAP planning process and the prompts are helpful in and of themselves. However, we recommend that the criteria for COEs to review the responses to these new LCAP prompts be focused on reviewing the actual SPSAs to ensure that they include a school-level needs assessment, evidence-based interventions, and the identification of resource inequities that will be addressed, as well as how the LEA will monitor and evaluate the implementation and effectiveness of the SPSA. LEAs' SPSA functions are uneven statewide, therefore consistency in review by the COEs will be critical, and many LEAs will need a lot of support. At minimum, the new geographical COE leads should be training other COEs how to do this. As a portion of federal funds from the state set-aside for Title I are going to COEs to support improvement of CSI schools, counties are already receiving support to carry out these activities, starting with the review and assessments of the actual CSI improvement plans themselves.

Frankly, it is unclear if CDE's proposal will provide the same, less or more oversight and support to CSI schools than to NCLB program improvement schools. The effectiveness of this process will turn on how well the system ensures that the SPSAs are high quality and aligned with high quality LCAPs and are faithfully implemented. We need to provide *more* support to students in these schools given the current state of student outcomes, not less.

Finally, we note that the deletion of the supplemental and concentration/“increase and improve” expenditure prompts from the LCAP Template Plan Summary due to the inclusion of this information (and more) in the new Budget Summary required by legislation this year does not appear objectionable. We note, however, that Budget Summary, though close, is not yet fully finalized and operational. Thus, our determination at this point in time is based on the understanding that the deleted information will be replicated in the final operational Budget Summary and that such will be attached to the 2019-20 LCAP.

II. Item 8 - Approval of the 2019 Local Educational Agency Apportionment Rates for the California Assessment of Student Performance and Progress.

California has taken the lead in research and evidence-based policy for English Learners in the unanimous adoption of the English Learner Roadmap in July, 2017 supporting biliteracy when possible. An overwhelming majority of the electorate, 73.5%, voted to support multilingual programs for all students in November of 2016 and this past May 2018, Superintendent Torlakson set benchmarks for dramatically increasing the number of dual immersion programs and the number of students attaining the State Seal of Biliteracy for all students in his Global California 2030 Initiative.

The state regulations for the California Spanish Assessment (CSA) delineate which students are eligible to be assessed with the CSA. An eligible student is one:

- (1) Whose primary language is Spanish and who is receiving instruction in Spanish; or
- (2) Who is enrolled in a dual language immersion program that includes Spanish; or
- (3) Who is a recently arrived EL and whose primary language is Spanish.

It seems axiomatic that the apportionment to districts who administer the CSA would be limited to ELs, as proposed, and not all the students instructed in Spanish. Authorization to provide funding for EL students taking the CSA does not prohibit the State Board of Education from deciding to include funding for all eligible students.

We urge the board to amend item 8 to include funding for all students eligible to take the CSA and allow districts to demonstrate their linguistic and academic proficiencies in English and Spanish.

III. Item 9: English Language Proficiency Assessments for California Criterion for Reclassification.

We support the recommendation to set Level 4 on the ELPAC for the English language proficiency element of the reclassification criteria. For grades 3-8 and 11, the empirical studies were able to correlate English proficiency with academic achievement on the CASSPP. This is not the case with K-2nd grades because there is no academic

measure to correlate with the ELPAC level 4. The estimates for students scoring level 4 at these lower levels is high with kindergarten at 17%.

We request that the Board direct the Department to conduct further studies over the next 3 years to determine if the grade level percentages of ELs scoring level 4 are consistent and if the current K-2 students who were assessed with the ELPAC reach comparable levels of academic performance when they reach grade 3 to the students in the empirical studies.

This data would be critical when appraising the validity of reclassification in the early years.

IV. Accountability System Lacks Sufficient Focus on English Learners.

While almost a third of California students are English learners at some point in their education, and often these students face some of the greatest educational needs, the current accountability system appears to lack adequate focus on this important subgroup in terms of the measurement of outcomes, the focus of districts on this subgroup and the supports that are provided to districts and schools identified for assistance. This lack of focus stems directly from the accountability indicators the state is using (and not using) and the fact that the indicators are driving the focus of district's planning and support work. Despite the widely-acknowledged needs of this subgroup of students, for example, it seems odd that only 59 districts are receiving Level 2 assistance for their EL subgroups. We believe that a greater sensitivity and focus on English learner subgroup performance is called for in the State's accountability system and that this could be addressed by including the two strongest indicators of the quality of a district's EL program in the Dashboard. We strongly encourage the Board to rectify this situation for the 2019 Dashboard:

- **Adopt Student Growth Model.** The current academic indicator doesn't work well to identify the nuances in academic performance for the English learners subgroup. An individual student growth model is needed in the state's accountability system to measure the year-to-year progress of current EL cohorts regardless of students' initial performance levels.
- **Use English Learner Progress Indicator (ELPI) in 2019 Dashboard.** As the state transitions to the new EL progress assessment, the ELPAC, the state was not able to have an ELPI indicator on the 2018 dashboard. Next year it will be possible to measure the year-to-year progress students are making on the ELPAC. The Board should begin work now to determine how it will use this information in the identification of schools and districts in need of assistance for 2019 even though a full 5x5 color matrix won't be available until the 2020 dashboard.

V. Item 22: Update on the Development of California's System of Support for LEAs and Schools.

We reiterate our appreciation for being included in the SOS Planning Work Group and have found it invaluable in understanding and then supporting parents, communities and the public in participating in the System of Support. Attachment 1 in Item 22 identifies Key Aspects of the System of Support. We note that it omits an important policy principle that should be included and embraced by the Board as part of the foundation designing the System of Support.

The system of support memo identifies 3 foundational principles: More than a Single Number, Resource Decisions Driven by Student Need, LEAs as Unit of Change. It is missing the 4th key foundational principle and

we strongly recommend it be added: “Community Engagement and Input into LEA-Decision Making is Essential to Addressing Local Needs.

This principle is referenced in both the establishment of the Community Engagement Initiative and the System of Support statutory language. Legislative findings and declarations state:

- “(1) Without capacity in California’s public school system to conduct meaningful stakeholder engagement, especially as it relates to the local control and accountability plan development process, pupils, families, and communities may not be able to hold school districts accountable for decisions that affect pupil outcomes.
- (2) The statewide system of support established pursuant to Section 52059.5 of the Education Code should include expertise and resources to help school districts improve in their ability to engage stakeholders meaningfully.” Statutes 2018, Chapter 32, Section 104 (AB 1808, Education Budget Trailer Bill).

Further revisions to Education Code last session also include as a purpose of the system of support to:

- “(3) Improve outreach and collaboration with stakeholders to ensure that goals, actions, and services as described in school district and county office of education local control and accountability plans reflect the needs of pupils and the community, especially for historically underrepresented or low-achieving populations.” California Education Code Sec. 52059.5 (a)(3).

We ask that the essential role of community and stakeholder engagement always be included in any description of the state’s System of Support under LCFF. It will help to build ownership of the System by community stakeholders and, ideally, confidence.

Thank you for the opportunity to comment. We look forward to continuing working with the State Board of Education to realize the full promise of LCFF for our neediest students.

Sincerely,

John T. Affeldt
Managing Attorney
Public Advocates Inc.

Carrie Hahnel
Interim Co-Executive Director
The Education Trust–West

Shelly Spiegel Coleman
Executive Director
Californians Together

Bill Lucia
President & CEO
EdVoice

Samantha Tran
Senior Managing Director, Education
Children Now

Sarah Lillis
Executive Director
Teach Plus California

Kathy Sher
Legislative Advocate
ACLU of California

cc: Karen Staf Walter, Executive Director, State Board of Education (SBE)
Judy Cias, Chief Counsel, SBE
Dave Sapp, Deputy Policy Director and Assistant Legal Counsel, SBE
Sara Pietrowski, Policy Consultant, SBE
Jeff Breshears, Director of the Local Agency Systems Support Office, CDE
Marguerite Ries, Federal Policy Liaison, CDE
Jenny Singh, Analysis, Measurement & Accountability Rptg Div, CDE